

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:17-cv-00109-MOC-DCK

ERIC OLLILA,)
)
)
Plaintiff,)
)
)
v.) ORDER
)
BABCOCK & WILCOX ENTERPRISES, INC.)
JENNY L. APKER)
E. JAMES FERLAND,)
)
Defendants.)

THIS MATTER is before the court on the Motion of the Arkansas Teacher Retirement System (#10) and the Motion of the City of Birmingham Retirement and Relief System (#7). Each Motion asks the court to consolidate this case with the related matter of 3:17-cv-125, pursuant to Fed.R.Civ.P. 42(a) and appoint the respective party lead plaintiff in the consolidated action. Having considered the motions and reviewed the pleadings, the court enters the following Order.

Both Motions are timely filed, and each proposes that the respective party be named lead plaintiff. Under 15 U.S.C. §78u-4(a)(3)(B)(ii), the determination to consolidate pending cases must be made before the appointment of lead plaintiff. The court consolidates the related cases first and will allow until May 16, 2017 for responses to the pending Motions regarding the appointment of lead plaintiff.

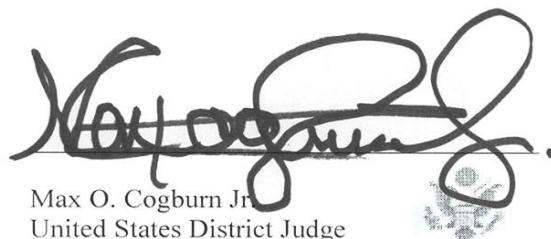
ORDER

IT IS, THEREFORE, ORDERED that Motion of the Arkansas Teacher Retirement System (#10) and the Motion of the City of Birmingham Retirement and Relief System (#7) are **GRANTED**, in part. Specifically, the Motions are each **GRANTED** to the extent that they request the consolidation of this case with the related case of 3:17-cv-125. This case is hereby **CONSOLIDATED** with case number 3:17-cv-125. This instant case (3:17-cv-109) shall serve as the lead case.

The Clerk of Court is instructed to docket a notice of consolidation in the file of 3:17-cv-125.

The court will make a determination regarding the appointment of lead plaintiff after allowing for a period for potential responses. The proposed lead plaintiffs may file responses to the pending Motions regarding the appointment of lead plaintiff (#7 & #10) until, and inclusive of, May 16, 2017.

Signed: May 8, 2017



A handwritten signature in black ink, appearing to read "Max O. Cogburn Jr.", is written over a horizontal line. To the right of the signature is a small, faint circular emblem or seal.

Max O. Cogburn Jr.
United States District Judge